

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, June 21, 2012 ~ 7:00 p.m.

SPECIAL MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Joyce Godere, Vice Chairman
Donald Anderson
Kenyon Gardner
Keith Kersey

ABSENT: Kathy Marie Dunnett, Alt.
Donna Skaats, Alt.
Jerome Walsh, Alt.

ALSO PRESENT: Cheryl Straub, Court Stenographer
Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the June 21, 2012, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:02 p.m. Mr. Kersey was seated for this meeting. Chairman Walsh read the legal notice and introduced the members of the Board.

2) Public Hearings for the following:

- a) **#ZBA-12-1295** – Douglas & Theresa LaFleur, 9 Mullen Hill Road, Windham, CT, 06280, owners, for property at 1681 Exeter Road, Lebanon, CT, 06249, Assessors Map 242, Lot 15.001. Variance from Zoning Section 4.2.1(c)(2) to reduce the cell tower fall circle radius from 500 feet required to 360 feet requested for construction of new single family home.

Chairman Walsh entered the following exhibits into the hearing record:

a) Two-page application; b) Copy of deed; c) Abutters List; d) Assessor Street Card, Map 242, Lot 15.001; e) Assessors Map 242; f) Plot plan prepared by Wentworth Civil Engineers, LLC, dated 5/22/12, showing proposed fall radius and building lot; g) Certified Return Receipt Cards (collectively).

Wesley Wentworth, P.E., 177 West Town Street, Lebanon, CT, 06249, was sworn in to speak on behalf of the owners. He stated that the intent of the zoning regulation is to protect existing (rather than proposed) homes and neighborhoods from telecommunication tower facilities and operations and that the fall circle radius setback required by zoning regulations is not based on tower height, but

rather states that every tower constructed has a 500 foot fall zone, no matter what the height. A common safety factor, should the tower collapse, is twice the height of the tower which would be 240 feet. He stated that the variance request to reduce the fall zone of the 120 foot high telecommunications tower to 360 feet was calculated by tripling the height of the tower. Mr. Wentworth feels that the approved house location causes a unique hardship with strict limitations, forcing the house into one corner of the building lot. Mr. Wentworth read email dated 6/20/12 into the record from Leon Liebman on behalf of Florence Leibman, abutting owner, in support of the request and this was labeled exhibit "H".

Chairman Walsh stated concerns of other undeveloped lots surrounding the tower requesting the same type of variance. Mr. Wentworth diagramed a map of the approximation of the 500 foot setback as it affects adjoining lots and this was entered into the hearing record labeled exhibit "I".

The following residents were sworn in for public comment:

Tina Good, 23 Old Colchester Road, in opposition, seeing orientation of the plan is uncomfortable with lack of privacy.

Douglas LaFluer, owner, commented that the house will be oriented to face the road, with each end of the house facing the neighbors, allowing more privacy for all and the house will be fairly small 2000 square feet or less with smaller second story.

Karen Grann, 23 Old Colchester Road, in opposition, would like the 500 foot barrier to remain and does not want privacy compromised.

Catherine Walker, 15 Old Colchester Road, in support, due to the added privacy.

Chairman Walsh asked the applicant if they might consider modifying the setback request to 425 feet instead of 360 feet to help address some of the neighbor's concerns.

Mr. Kersey had concern that if previous application(s) have been denied, would it be correct to approve this one.

Members requested information be obtained from past applications related to this tower site for review.

Mr. Wentworth requested a continuation of the public hearing in order to provide additional information to the Board.

Mr. Anderson made a motion to continue the public hearing for application #PZ-12-1295, seconded by Ms. Godere. Unanimously approved.

- b) **#ZBA-12-1307** – New Ground LLC, 888 Trumbull Highway, Lebanon, CT, 06249, applicant, Ladd & Susan Bethune, owners, for property at 49 Lake Shore Drive, Lebanon, CT, 06249, Assessors Map 101, Lot 33. Variance from Zoning Section 5.2 to reduce front yard setback from 50 feet required to 32 feet and side yard setback from 25 feet required to 12 feet requested for construction of second story addition.

Chairman Walsh entered the following exhibits into the hearing record:

a) Two-page application; b) Abutters List; c) Assessor Street Card, Map 101, Lot 33; d) Assessors Map 101; e) Plot plan prepared by Jason Nowosad, New Ground Construction, dated 5/30/12; f) Proposed building plans; g) Letter dated 6/4/12, to ZBA from Russell Amberg, property owner, 54 Lake Shore Drive, Lebanon, in favor of the request; h) Letter dated 6/10/12, to Jason Nowosad, from David & Terry Gilbert, property owners, 57 Lake Shore Drive, Lebanon, in favor of the request; i) Certified Return Receipt Cards (collectively).

Jason Nowosad was sworn in to speak on behalf of the owners. He stated this is a small year round home in the lake zone. Request is to add a second story without changing the footprint of the structure. Mr. Nowosad read the letters into the record from (g) Amberg and (h) Gilbert, neighboring property owners, in support of the application.

Mr. Nowosad stated that this home is currently a two-bedroom house and will remain two-bedrooms. The basement bedroom will be converted into a recreation room. He stated that the hardship is that the house was originally built too close to the road and would encroach on the wetlands buffer if additional square footage were added to the footprint.

There was no one in the audience to speak in favor or opposed to the application. Mr. Gardner made a motion to close the public hearing for application #PZ-12-1307, seconded by Ms. Godere. Unanimously approved.

3) Adjournment:

With no further discussion, Vice Chairman Godere made a motion to adjourn, Don Anderson seconded, and the Board unanimously voted to adjourn the special meeting at 7:47 p.m.

Holli E. Pianka, Recording Secretary
June 27, 2012

(Minutes are unapproved as of transcription date.)

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, June 21, 2012 ~ 7:00 p.m.

REGULAR MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Joyce Godere, Vice Chairman
Donald Anderson
Kenyon Gardner
Keith Kersey, Alt.

ABSENT: Donna Skaats, Alt.
Jerome Walsh, Alt.

ALSO PRESENT: Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the June 21, 2012, Regular Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:48 p.m.

2) Discuss and Act on Public Hearing:

- a) **#ZBA-12-1295** – Douglas & Theresa LaFleur, 9 Mullen Hill Road, Windham, CT, 06280, owners, for property at 1681 Exeter Road, Lebanon, CT, 06249, Assessors Map 242, Lot 15.001. Variance from Zoning Section 4.2.1(c)(2) to reduce the cell tower fall circle radius from 500 feet required to 360 feet requested for construction of new single family home. **(CONTINUED TO 7/19/12)**
- b) **#ZBA-12-1307** – New Ground LLC, 888 Trumbull Highway, Lebanon, CT, 06249, applicant, Ladd & Susan Bethune, owners, for property at 49 Lake Shore Drive, Lebanon, CT, 06249, Assessors Map 101, Lot 33. Variance from Zoning Section 5.2 to reduce front yard setback from 50 feet required to 32 feet and side yard setback from 25 feet required to 12 feet requested for construction of second story addition.

Mr. Kersey feels there is no reason to deny the application because the applicant is not adding any bedrooms or changing footprint. Mr. Walsh sees no hardship.

Mr. Gardner made a motion to approve application #ZBA-12-1307, seconded by Mr. Kersey. Unanimously approved.

The applicants were notified of the Record of Decision procedures according to the Connecticut General Statutes.

3) Approval of Minutes of Previous Meetings:

- a) May 17, 2012 ~Special Meeting Minutes
Vice Chairman Godere made a motion, seconded by Mr. Anderson, to approve the minutes as presented. Unanimously approved.
- b) May 17, 2012 ~Regular Meeting Minutes
Vice Chairman Godere made a motion, seconded by Mr. Anderson, to approve the minutes as presented. Unanimously approved.

4) Old Business: None.

5) New Business:

Chairman Walsh made a motion to amend the agenda to add discussion of application fees under New Business, seconded by Vice Chairman Godere. Unanimously approved.

Escalating costs this past year for publishing legal advertisements in the newspaper has made it difficult to maintain a flat budget and after no increase in the variance application fee in over 10 years, members felt it was necessary to make a recommendation to increase the variance application fee.

Mr. Kersey made a motion to increase the variance application fee from \$260.00 to \$460.00 (\$400.00 town portion/\$60.00 state portion), Vice Chairman Godere seconded. Motion approved unanimously.

6) Bills: None.

7) Correspondence: None.

8) Adjournment:

Mr. Gardner made a motion, seconded by Mr. Anderson to adjourn the meeting at 8:29 p.m. Unanimously approved.

Holli E. Pianka, Recording Secretary
June 27, 2012

(Minutes are unapproved as of transcription date.)